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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,203	03/11/2004	Haupt Rainer	11371-20	6176
7590 Craig Summerfield Brinks Hofer Gilson & Lione Suite 3600 455 N. City Front Plazat Drive Chicago, IL 60126			EXAMINER KAO, CHIH CHENG G	
			ART UNIT 2882	PAPER NUMBER
			MAIL DATE 01/29/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,203

Applicant(s)

RAINER, HAUPL

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 1,2,4-6,9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 15, 2009, has been entered.

Claim Objections

2. Claims 1, 2, 4-6, 9, and 14 are objected to because of informalities, which appear to be minor draft errors including grammatical and/or antecedent basis problems.

As noted in the following format (location of objection; suggestion for correction), the following objections(s) may be overcome by making the corresponding correction(s): (claim 1, last 2 lines, "the vertical axis of symmetry"; replacing "the" with --a--) and (claim 14, lines 12-13, "the vertical axis of symmetry"; replacing "the" with --a--).

Claims 2, 4-6, and 9 are objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Khutoryansky et al. (US 5636259, hereinafter referred to as Khutoryansky).

4. Regarding claim 11, Khutoryansky discloses a support system for an x-ray source, comprising a mounting device (fig. 3, #154), and a support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, wherein the x-ray source has an envelope (figs. 8-13, exterior of #112), and wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a portion of the envelope (figs. 8-13, exterior of #112) of the x-ray source remains below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276) when the envelope is rotated, independently of the angle of rotation (as demonstrated by the angle of rotation seen in figs. 8-13, along the axis of rotation #188).

5. Regarding claim 13, Khutoryansky further discloses wherein the mounting device is substantially vertically adjustable (fig. 3, via #156).

Allowable Subject Matter

1. Claims 1, 2, 4-6, 9, and 14 would be allowable if amended to overcome the claim objections(s) set forth in this Office Action. The following is a statement of reasons for the indication of allowable subject matter.

2. Regarding claim 1, the prior art fails to disclose or fairly suggest a support system for an x-ray source, including wherein the horizontal axis of rotation of the x-ray source is positioned on the support arm such that a portion of an envelope of the x-ray source is positioned on the support arm lower edge of the x-ray source remains below the lower edge of the support arm and the lower edge of the mounting device independently of the angle of rotation about the horizontal axis of rotation; and a line extension of the horizontal axis of rotation of the x-ray source is laterally displaced with respect to a vertical axis of symmetry of the mounting device, in combination with all of the other limitations in the claim. Claim 2, 4-6, and 9 contain allowable subject matter by virtue of their dependency.

3. Regarding claim 14, the prior art fails to disclose or fairly suggest a support system for an x-ray source, including wherein the horizontal axis of rotation of the x-ray source is positioned on the support arm such that a lower edge of the x-ray source is disposed below the lower edge of the support arm and the lower edge of the mounting device, independently of an x-ray source angle of rotation about the horizontal axis, wherein a line extension of the horizontal axis of rotation of the x-ray source is laterally displaced with respect to a vertical axis of symmetry of the mounting device, and is parallel to lines extending along each of two side edges of the x-ray

source; and wherein one of the lines of one of the two side edges of the x-ray source extends on one vertical side of the mounting device, and the other line of the other side edge extends through the mounting device, in combination with all of the other limitations in the claim.

Response to Arguments

4. Applicant's arguments with respect to claims 11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, with regards to Khutoryansky, the reference still meets the limitations of Claim 11, since a portion of the envelope (as seen in figs. 8-13 of Khutoryansky, exterior of #112) of the x-ray source remains below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276) when the envelope is rotated, independently of the angle of rotation (i.e., the angle of rotation shown in figs. 8-13, along the axis of rotation #188). Since this condition is always true for the angles of rotation that are shown in these figures of Khutoryansky, the condition is independent of the angle of rotation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571)272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chih-Cheng Glen Kao/
Primary Examiner, Art Unit 2882